

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

UNITED STATES OF AMERICA,)
) Criminal No. 5:21-cr-23
 v.)
)
 RICHARD E. MOORE)

**GOVERNMENT’S NOTICE REGARDING INTENT TO INTRODUCE
SELF-AUTHENTICATING RECORDS AT TRIAL UNDER RULES 902(11) AND 902(4)**

Now comes the United States and gives notice of its intent to introduce certain records by certification pursuant to Rules 803(6), 902(11), and 902(4) of the Federal Rules of Evidence.¹ The records, as described below, were previously provided to the defendant in the course of discovery.

Exhibit 1 to this notice contains two Rule 902(11)-compliant certificates executed by a custodian at ADP on December 12, 2018 and December 6, 2021, which cover records related to Nexus Services’ payroll account. The government has previously produced these records to the defendant as Bates MOORE_USAPROD_0107948 through MOORE_USAPROD_0108913; MOORE_USAPROD_0158722 through MOORE_USAPROD_0160467; MOORE_USAPROD_0221532 through MOORE_USAPROD_0221543; MOORE_USAPROD_0222749 through

¹ Rule 902(11) provides in pertinent part for the self-authentication of “a domestic record of regularly conducted activity that would be admissible under Rule 803(6) if accompanied by a written declaration of its custodian or other qualified person . . . certifying that the record: (A) was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters; (B) was kept in the course of the regularly conducted activity; and (C) was made by the regularly conducted activity as a regular practice.”

Rule 902(4) provides in pertinent part for the self-authentication of “[a] copy of an official record — or a copy of a document that was recorded or filed in a public office as authorized by law — if the copy is certified as correct by: (A) the custodian or another person authorized to make the certification.”

MOORE_USAPROD_0223847; and MOORE_USAPROD_0492790 through MOORE_USAPROD_0493861.

Exhibit 2 to this notice contains two Rule 902(11)-compliant certificates executed by a custodian at Ally Bank. The first, signed on July 14, 2016, covers loan records for account numbers ending 7190, 2394, and 9613, as specified thereon. The government has previously produced these records to the defendant as Bates MOORE_USAPROD_0099281 through MOORE_USAPROD_0099315 and MOORE_USAPROD_0128509 through MOORE_USAPROD_0128602. The second, signed on March 2, 2020, covers loan records for accounts ending 9613, 5878, 7571, 2394, and 4290 and loan applications ending 1789, 3880, 3749, 5848, 2874, 4762, 4808, 0687, 2863, 3177, 1691, and 2822, as specified thereon. The government has previously produced these records to the defendant as Bates MOORE_USAPROD_0452492 through MOORE_USAPROD_0453157.

Exhibit 3 to this notice contains a Rule 902(11)-compliant certificate executed by a custodian of Bank of America. The certificate, signed on May 5, 2016, covers records for bank accounts ending 9544, 8640, 4369, 8491, 8501, 8527, 8530, 3416, 3429, and 3432, as specified thereon. The government has previously produced these records to the defendant as Bates MOORE_USAPROD_0175401 through MOORE_USAPROD_0198232.

Exhibit 4 to this notice contains a Rule 902(11)-compliant certificate executed by a custodian of BMW Financial Services NA, LLC. The certificate, signed on February 28, 2020, covers records relating to accounts ending 3281 and 8244. The government has previously produced these records to the defendant as Bates MOORE_USAPROD_0099316 through MOORE_USAPROD_0099430 and MOORE_USAPROD_0127941 through MOORE_USAPROD_0127975.

Exhibit 5 to this notice contains a Rule 902(11)-compliant certificate executed by an officer and custodian of BMW of Alexandria. The certificate, signed on June 24, 2016, covers account files related to Richard Moore and Michael Donovan. The government has previously produced these records to the defendant as Bates MOORE_USAPROD_0099925 through MOORE_USAPROD_0100045 and MOORE_USAPROD_0128146 through MOORE_USAPROD_0128268.

Exhibit 6 to this notice contains four Rule 902(11)-compliant certificates executed by a custodian of City National Bank, on January 15, 2017; October 11, 2018; January 13, 2020; and January 21, 2021, which cover bank records for accounts relating to Nexus Services from March 2016 through December 31, 2020. These records have previously been produced to the defendant as Bates MOORE_USAPROD_0099255 through MOORE_USAPROD_0099280; MOORE_USAPROD_0142045 through MOORE_USAPROD_0149121; MOORE_USAPROD_0206366 through MOORE_USAPROD_0208437; MOORE_USAPROD_0414734 through MOORE_USAPROD_0416249; MOORE_USAPROD_0420814 through MOORE_USAPROD_0428555; and MOORE_USAPROD_0493862 through MOORE_USAPROD_0496152.

Exhibit 7 to this notice contains four Rule 902(11)-compliant certificates executed by a custodian at Dupont Community Credit Union on May 5, 2016; October 16, 2018; January 14, 2020; and April 13, 2023, which cover bank records for accounts associated with Richard Moore and Michael Donovan from October 2014 through December 31, 2020. The government has previously produced these records to the defendant as Bates MOORE_USAPROD_0092929 through MOORE_USAPROD_0094842; MOORE_USAPROD_0154940 through MOORE_USAPROD_0156450; MOORE_USAPROD_0174515 through MOORE_USAPROD_0174980;

MOORE_USAPROD_0416250 through MOORE_USAPROD_0416843; and MOORE_USAPROD_0428556 through MOORE_USAPROD_0428726.

Exhibit 8 to this notice contains a Rule 902(11)-compliant certificate executed by a custodian of Ferrari & Maserati of Washington. The certificate, signed on June 21, 2016, covers records related to the purchase of a 2010 Ferrari California Convertible, a 2015 Maserati GT Convertible, a 2015 Gran Turismo Sport, and a 2016 Ferrari California-T Spider. The government has previously produced these records to the defendant as Bates MOORE_USAPROD_0099626 through MOORE_USAPROD_099870 and MOORE_USAPROD_0175297 through MOORE_USAPROD_0175400.

Exhibit 9 to this notice contains two Rule 902(11)-compliant certificates executed by a custodian at Ferrari Financial Services. The first, signed on July 6, 2016, covers records for loans to purchase a 2010 Ferrari California Convertible and a 2016 California-T Spider. The government has previously produced these records to the defendant as Bates MOORE_USAPROD_0099431 through MOORE_USAPROD_0099452 and MOORE_USAPROD_0127976 through MOORE_USAPROD_0127998. The second, signed on September 8, 2022, covers records for a loan to purchase a 2017 Ferrari California-T. The government has previously produced these records to the defendant as Bates MOORE_USAPROD_0099453 through MOORE_USAPROD_0099465 through MOORE_USAPROD_0416850 through MOORE_USAPROD_0416862.

Exhibit 10 to this notice contains a Rule 902(11)-compliant certificate executed by a custodian of Ford Credit. The certificate, signed on August 8, 2016, covers records for loans to purchase a 2014 Ford F-150, a 2016 Ford Mustang, and a 2017 Ford Mustang. The government has previously produced these records to the defendant as Bates MOORE_USAPROD_0099466

through MOORE_USAPROD_0099538 and MOORE_USAPROD_0128642 through MOORE_USAPROD_0128668.

Exhibit 11 to this notice contains a Rule 902(11)-compliant certificate executed by a custodian of Forefront Books, LLC. The certificate, signed on May 24, 2021, covers records pertaining to the publishing and marketing of Michael Donovan's book, *Not Free America: What Your Country Doesn't Want You to Know*. The government has previously produced these records to the defendant as Bates MOORE_USAPROD_0452373 through MOORE_USAPROD_0452491.

Exhibit 12 to this notice contains a Rule 902(11)-compliant certificate executed by a partner and custodian of Foti, Flynn, Lowen & Co. The certificate, signed on January 18, 2018, covers records pertaining to the preparation of Nexus Services' income tax returns. The government has previously produced these records to the defendant as Bates MOORE_USAPROD_0101058 through MOORE_USAPROD_0101227 and MOORE_USAPROD_0129754 through MOORE_USAPROD_0130307.

Exhibit 13 to this notice contains three Rule 902(11)-compliant certificates executed by a custodian at Gusto on February 1, 2017; May 14, 2018; and August 18, 2022, which cover records related to Nexus Services' payroll account. The government has previously produced these records to the defendant as Bates MOORE_USAPROD_0101243 through MOORE_USAPROD_0107940; MOORE_USAPROD_0130308 through MOORE_USAPROD_0134529; MOORE_USAPROD_0209209 through MOORE_USAPROD_0214757; and MOORE_USAPROD_0412174 through MOORE_USAPROD_0413882.

Exhibit 14 to this notice contains a Rule 902(11)-compliant certificate executed by a partner and custodian of HBL, LLC d/b/a Mercedes Benz of Tysons Corner on June 13, 2016,

which covers records related to the purchase of a 2015 Mercedes S550. The government has previously produced these records to the defendant as Bates MOORE_USAPROD_0099871 through MOORE_USAPROD_099924 and MOORE_USAPROD_0128455 through MOORE_USAPROD_0128508.

Exhibit 15 to this notice contains a Rule 902(11)-compliant certificate executed by a partner and custodian of American Honda Finance Corporation on July 26, 2016, which covers records related to the purchase of a Honda TRX420FA5 ATV. The government has previously produced these records to the defendant as Bates MOORE_USAPROD_0099609 through MOORE_USAPROD_099625 and MOORE_USAPROD_0128625 through MOORE_USAPROD_0128641.

Exhibit 16 to this notice contains two Rule 902(11)-compliant certificates executed by a custodian of M&T Bank on May 6, 2016 and February 9, 2021, which cover bank records for accounts relating to Nexus Services from December 2013 through July 2016. These records have previously been produced to the defendant as Bates MOORE_USAPROD_0094843 through MOORE_USAPROD_0099254; MOORE_USAPROD_0198483 through MOORE_USAPROD_0205284; MOORE_USAPROD_0428727 through MOORE_USAPROD_0429873; and MOORE_USAPROD_0497995 through MOORE_USAPROD_0498818.

Exhibit 17 to this notice contains a Rule 902(11)-compliant certificate executed by a custodian of Nexus Services, which covers records produced by the corporation, as specified thereon. The government has previously produced these records to the defendant as Bates MOORE_USAPROD_0000001 through MOORE_USAPROD_0087283 and MOORE_USAPROD_0224027 through MOORE_USAPROD_0412173.

Exhibit 18 to this notice contains three Rule 902(11)-compliant certificates executed by a custodian at Paychex on October 11, 2019; October 28, 2020; and November 1, 2021, which cover records related to Nexus Services' payroll account. The government has previously produced these records to the defendant as Bates MOORE_USAPROD_0108918 through MOORE_USAPROD_0109425; MOORE_USAPROD_0171722 through MOORE_USAPROD_0174069; MOORE_USAPROD_0418980 through MOORE_USAPROD_0420813; MOORE_USAPROD_0454687 through MOORE_USAPROD_0459272; and MOORE_USAPROD_0498870 through MOORE_USAPROD_0499929.

Exhibit 19 to this notice contains two Rule 902(11)-compliant certificates executed by a custodian of Pendleton Community Bank on October 12, 2018 and August 22, 2022, which cover bank records for accounts relating to Nexus Services from June 2017 through December 31, 2020, as well as Payroll Protection Program application materials. The government has previously produced these records to the defendant as Bates MOORE_USAPROD_0128740 through MOORE_USAPROD_0129753 and MOORE_USAPROD_0429874 through MOORE_USAPROD_0439305.

Exhibit 20 to this notice contains a Rule 902(11)-compliant certificate executed by a custodian of Santander on June 27, 2016, which covers records for loans to purchase a 2015 Maserati Gran Turismo. The government has previously produced these records to the defendant as Bates MOORE_USAPROD_0099556 through MOORE_USAPROD_0099608 and MOORE_USAPROD_0127888 through MOORE_USAPROD_0127940.

The government is awaiting additional certified records and will file supplemental notice at a later date regarding those additional certified records.

Pursuant to Rules 803(6), 902(11), and 902(4) of the Federal Rules of Evidence, the government will offer the above exhibits as self-authenticating records of a regularly conducted activity or as copies of official records.

This 10th day of October, 2023.

Respectfully submitted,

CHRISTOPHER R. KAVANAUGH
United States Attorney

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CERTIFICATE OF SERVICE

I do hereby certify that I have this date electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

This 10th day of October, 2023.

/s/ William M. Montague
William M. Montague
Trial Attorney
U.S. Department of Justice
Tax Division